United Nations A/55/639 S/2000/1113

General Assembly
Security Council

Distr.: General
22 November 2000
English
Original: English/French

General Assembly
Fifty-fifth session
Agenda items 40 and 41
The situation in the Middle East
Question of Palestine

Security Council
Fifty-fifth year

Report of the Secretary-General*

I. Introduction

1. The present report is submitted in pursuance of General Assembly resolution 54/42 of 1 December 1999 on the peaceful settlement of the question of Palestine.

2. On 7 August 2000, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 54/42, which the General Assembly adopted on 1 December 1999, at its fifty-fourth session, under the agenda item 'Question of Palestine'.
>
> "In paragraph 9 of the resolution, the General Assembly '*requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 29 September 2000."

3. On 29 September 2000 the following reply was received from the Security Council:

> "The members of the Security Council are following with interest the developments of the situation in the Middle East.
>
> "They welcomed the participation of the Israelis and Palestinians in the final status negotiations which were held at Camp David in July. These talks represented an important phase in the Middle East peace process. They have no doubt but that the efforts being made to smooth the differences will help bring about a just, durable and comprehensive peace, based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973. They strongly condemn all acts of terrorism and violence in the region. They urge all parties to fully respect the commitments they have assumed under existing agreements and to refrain from any activities that might jeopardize the success of the talks and aggravate the political and economic situation in the Palestinian territories, and to acquit themselves scrupulously of their obligations under international law.

* In accordance with General Assembly resolution 54/248, section C, paragraph 1, the present report is being submitted on 22 November 2000 so as to include as much updated information as possible.

00-75895 (E) 271100

"The members of the Security Council are more than ever determined to follow the ongoing process and to provide it with the necessary support. In that connection, they fully endorse the agreements already concluded and would like to see them promptly implemented."

4. In a note verbale dated 9 August 2000 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 16 November 2000, the following replies had been received:

Note verbale dated 11 September 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"As the Secretary-General is aware, Israel voted against this resolution, as well as against similar resolutions adopted by the General Assembly in previous sessions. At this particularly sensitive time in the Middle East peace process, Israel wishes to put on record, once again, its position on this matter. This response should not be construed in any way as an acceptance of the legitimacy of these resolutions.

"Israel views the aforementioned General Assembly resolution not only as being unbalanced, but also as an undue interference in matters which lie at the very core of the bilateral negotiations currently under way between Israel and the Palestinians. As stated in the letter of invitation to the Madrid Peace Conference of October 1991 and reaffirmed in repeated legal undertakings, most recently in the Trilateral Statement (25 July 2000) issued at the conclusion of the Camp David Peace Summit, the Middle East peace process is predicated upon direct bilateral negotiations between the parties concerned. Both Israeli and Palestinian leaders have agreed that 'their differences will be resolved only by good-faith negotiations'.

"The one-sided approach reflected in the resolution threatens to prejudge the outcome of this process, impede the progress of Israeli and Palestinian negotiators and undermine the prospects of achieving a just and lasting peace settlement. A comprehensive solution to the conflicts in the Middle East can only be based upon directly negotiated and mutually agreed solutions.

"Israel expresses its hope that the General Assembly will, in respect of the negotiations currently under way, offer its unwavering and impartial support for the peace process. This is especially important now, when the parties have made significant advances towards, and appear to be on the cusp of reaching, a final settlement."

Note verbale dated 7 November 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 54/42 is the main political resolution on the Palestinian issue, and it was adopted by an overwhelming majority (149-3-2), a reflection of the strong convictions of the international community with regard to the content of the resolution. In addition, a similar text has been adopted by the Assembly over the past few years by overwhelming majorities, reflecting an established position of the international community. As stated in the Palestinian note of the fifty-fourth session, the resolution recalls several principles of international law and the Charter of the United Nations, provides support for the peace process and implementation of the agreements reached and also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"Despite the agreement on the Sharm el-Sheikh Memorandum of 4 September 1999, which included an agreement on the implementation of a number of overdue prior commitments and an extension for the achievement of the final settlement between the two sides until 13 September 2000, Israel failed once again to implement most of the overdue provisions and commitments agreed upon in

Sharm el-Sheikh, including the third redeployment of its occupying forces, the release of Palestinian prisoners and the return of Palestinian displaced persons, and failed also to adhere to the agreed timetable.

"The optimistic expectations for a positive change in the status of the peace process in the Middle East and the conclusion of a final settlement between the Palestinian and Israeli sides have not been fulfilled. Unfortunately, we have witnessed a dramatic deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem, to an unprecedented level of aggression against the Palestinian people, including the use by the Israeli occupying forces of rockets fired from helicopter gunships, tanks, anti-tank missiles and the enforcement of a total military blockade around Palestinian towns and cities. The continued Israeli aggression against the Palestinian people has resulted in the killing of more than 160 Palestinians, as of 7 November 2000, and the injury of more than 3,000 people. One third of the Palestinians killed and injured have been children under the age of 18 years. In addition, there has been extensive destruction to the property and livelihood of the Palestinian people.

"The recent tragic events, which began on 28 September 2000, started with the mal-intentioned visit of the infamous Ariel Sharon to Al-Haram Al-Sharif, the first *qiblah* and the third of the holy sites of Islam, in Occupied East Jerusalem and then what followed the next day when the Israeli occupying forces stormed Al-Haram Al-Sharif and attacked the innocent worshippers. The Palestinian people saw all of this as a flagrant aggression against their holy places and as a prelude to other steps aimed at undermining their rights and possibly establishing other illegal realities by the occupying Power in Occupied East Jerusalem. In confronting this, the Palestinian people have expressed their rejection of these acts and their rejection of the occupation and their determination to defend their Islamic and Christian holy places and the Arab nature of East Jerusalem as well as their determination to achieve their natural rights, including the establishment of their independent State with Jerusalem as its capital.

"In response to the Palestinian protests, Israel, the occupying Power, has used its huge war machine to launch a bloody campaign of repression against our people, including a number of wilful killings and wilfully causing numerous serious injuries and great pain for Palestinian civilians. These Israeli actions and measures constitute grave and serious breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, and some of these acts even constitute war crimes according to the Convention.

"The Security Council has dealt with the bloody events in the Occupied Palestinian Territory, including Jerusalem, with great seriousness. A large number of Member States, through their participation in the debate of the Council, added more importance and seriousness to the work of the Council. Following the debate of the Security Council, resolution 1322 (2000) of 7 October 2000 was adopted despite the numerous difficulties it faced. Resolution 1322 (2000) deplored the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000 and the subsequent violence throughout the territories occupied by Israel since 1967, which have resulted in many Palestinian deaths and injuries. It also condemned acts of violence, especially the excessive use of force against Palestinians, and called for the immediate cessation of violence and for the establishment of a mechanism for a speedy and objective inquiry into the tragic events with the aim of preventing their repetition. The resolution also invited the Secretary-General to continue to follow the situation and to keep the Council informed.

"Despite the adoption of the resolution, however, the situation on the ground did not change and Israel, the occupying Power, did not comply with any of the provisions of the resolution. Instead, what followed was the dangerous Israeli escalation of its military campaign, including the shelling of some Palestinian locations in Ramallah and Gaza, which took place on 12 October and which were tantamount to a declaration of war against the Palestinian people.

"The Security Council was once again called upon to adopt an immediate resolution to

end the escalation and prevent the region as a whole from plunging into a widespread confrontation. Unfortunately, a permanent member of the Security Council declared inside the Council and outside the United Nations that it would use its right to veto any resolution regardless of its content. This clearly prevented the Security Council from exercising its responsibility and from taking any action. At that point, the tenth emergency special session of the General Assembly resumed in accordance with the 'uniting for peace' formula to consider this dangerous situation and the 'illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory'. Resolution ES-10/7 was adopted by the tenth emergency special session on 20 October 2000. The resolution, inter alia, stresses the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory, condemns acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians, calls for the reversal of all measures taken since 28 September 2000, and calls for the prevention of illegal acts of violence by Israeli settlers. The resolution supports also the establishment of a mechanism of inquiry into the tragic events as well as the efforts of the Secretary-General, including his efforts for the establishment of the committee of inquiry.

"In this context, we welcome the participation of the Secretary-General of the United Nations, Mr. Kofi Annan, representing this international Organization in the Sharm el-Sheikh Summit, as well as all his efforts exerted during his visit to the region. We hope that this will lead to the effective participation of the United Nations in the mechanism of inquiry into what has happened, which was called for by Security Council resolution 1322 (2000) and agreed upon by the parties in Sharm el-Sheikh. We believe that the speedy establishment of this committee and its immediate work will have an effective impact on bringing an end to the situation created during the latest tragic events.

"It also remains indispensable for Israel, the occupying Power, to abide by and implement United Nations resolutions and agreements reached between the two sides, including the Sharm el-Sheikh understandings, in order for the situation to calm down and for negotiations to be resumed on the final status issues.

"In conclusion, the many principles and components of the important resolution entitled 'Peaceful settlement of the question of Palestine', including principles of international law and the Charter of the United Nations, remain valid and essential in the search for a just and lasting solution to the decades-long question of Palestine. Respect for and adherence to such principles will surely assist the parties in arriving at a peaceful settlement of the question of Palestine."

II. Observations

5. At the Camp David Summit hosted by President Clinton last July, the quest for a lasting peace between Israel and the Palestinians reached a crucial stage. Though an overall agreement was not reached, for the first time the most difficult issues were seriously addressed. In a trilateral statement at the conclusion of the Summit the parties pledged to continue their efforts to conclude an agreement on all permanent status issues as soon as possible, to avoid violence and not to take unilateral actions.

6. However, subsequently, as is well known, the situation in the Middle East has become critical. Following a visit of the Leader of the Opposition in Israel, Ariel Sharon, to the Temple Mount/Haram al-Sharif in Jerusalem on 28 September, a new wave of protests and violence erupted in the occupied Palestinian territory and Israel in which so far more than 230 people, the vast majority of them Palestinians, have been killed and many others suffered injuries. Confrontations continue to mount and mutual mistrust is growing. This tragic situation has made abundantly clear to all sides that the cause of peace can only be damaged by excessive use of force, indiscriminate violence or terror.

7. The present crisis holds the potential for further escalation, with dangerous consequences for the entire region. It is therefore imperative that all efforts be made to curtail the current wave of violence and resume the peace process. The Israelis and the Palestinians know well that they have to live side by side with each other and must reconcile their

differences through dialogue and cooperation. The question is how to respond to the legitimate aspirations of the Palestinian people to personal dignity and national independence and to the legitimate security concerns of the Government of Israel.

8. This grave new situation in the Middle East has recently been the subject of extensive debates at the United Nations, and resulted in the adoption of resolution 1322 (2000) by the Security Council on 7 October 2000, and of resolution ES-10/7 by the General Assembly at its resumed tenth emergency special session on 20 October 2000. Also, on 19 October 2000, the Commission on Human Rights in Geneva, meeting at a special session, adopted a resolution on the current human rights situation of the Palestinian people.

9. In view of the escalation of tensions in the Middle East, I visited the region in October to explore urgent means to end the current cycle of violence and to revive the peace process. Over a period of 10 days, I had a series of meetings with Prime Minister Barak and President Arafat as well as with many other regional and international leaders.

10. On 16 and 17 October 2000, Presidents Mubarak and Clinton jointly chaired a Summit meeting in Sharm el-Sheikh, Egypt, which was attended also by King Abdullah II of Jordan, Prime Minister Barak, President Arafat, Javier Solana of the European Union, and myself. The Summit produced understandings in three vital areas: on security cooperation and other measures to end the current confrontation, on a committee of fact-finding to inquire into the recent tragic events and how to prevent their recurrence, and on renewing the peace process. I briefed the Security Council and the General Assembly on 20 October on the outcome of the Summit and of my visit to the region.

11. On 7 November, as a follow-up to the Sharm el-Sheikh Summit, President Clinton announced the membership of the Fact-Finding Committee which was developed with the parties and in consultation with me. The committee is expected to provide an independent and objective review of the current crisis with the goal of preventing its recurrence. On 9 November, I met with the chairman of the committee, former United States Senator George Mitchell, and urged him to begin the committee's work as soon as possible.

12. I am concerned that the other understandings of the Sharm el-Sheikh Summit, set out in paragraph 10 above, remain unimplemented. I continue to follow developments closely and remain in touch with the parties and other international leaders. I believe that full and good-faith implementation by both sides of the understandings reached at Sharm el-Sheikh is vital to restore calm and to create the right atmosphere for the resumption of the peace talks. In my view there is no alternative to a return to the negotiating table. The two sides will in the end have to negotiate a peaceful settlement. The international community should continue its efforts to help them resolve the present crisis and to put the Israeli-Palestinian negotiations back on track.

13. On 12 and 13 November, I participated in the Summit of the Organization of the Islamic Conference in Doha, Qatar. The current crisis in the Middle East, in particular the ongoing violence, was a major topic of my discussions with Heads of State and Foreign Ministers. All of them expressed grave concern at the situation and many deplored the excessive use of force by Israel.

14. The present crisis has led to a serious deterioration of the humanitarian and economic situation in the occupied Palestinian territory. In order to improve the coordination of the United Nations humanitarian assistance to the Palestinians, a task force has been established chaired by the United Nations Special Coordinator in Gaza. Also, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which has continued to deliver a wide range of basic services to the Palestine refugees despite severe financial constraints, has recently launched an urgent appeal for $39 million to fund a three-month contingency plan to buy food and medical supplies.

15. As the General Assembly has underscored on many occasions, achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East. It is to be hoped that there will also be movement soon on the Syrian and Lebanese tracks so that peace, security and stability may be achieved for all peoples in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973).

16. For its part, the United Nations will continue to support the resumption of the peace process and to respond in an integrated way to the economic, social,

humanitarian and other needs of the population in the West Bank and Gaza. I call upon the international community to provide the necessary resources in support of the United Nations programmes to address the deteriorating economic and humanitarian situation of the Palestinian people.

17. I should like to pay special tribute to Terje Roed-Larsen, United Nations Special Coordinator. Mr. Roed-Larsen gave me invaluable assistance during my recent peacemaking efforts in the region and will continue his important mission in the region.